IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6835 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VESA SEVA SAHAKARI MANDALI LTD.,

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6835 of 2004

MR PK JANI for Petitioner No. 1

MR HARIN P RAVAL for Respondent No. 1

Ms. Archana Raval, AGP for Respondent No. 1,2

NOTICE SERVED BY DS for Respondent No. 3

..... for Respondent No. 4-5

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 05/10/2004

ORAL JUDGEMENT

Draft Amendment is allowed. The petitioner to carry out the same by 11th October 2004.

2. Rule. Ms. Archana Raval, learned AGP waives service of Rule on behalf of respondents No. 1 to 3 and Shri Harin P. Raval, learned advocate waives service of Rule on behalf of respondents No. 4 and 5. With the consent of the parties, the matter is taken up for final hearing today.

3. In this petition under Article 226/227 of the Constitution of India, the petitioner-society has challenged the legality and validity of the interim order passed by the revisional authority, i.e., State Government dated 15.7.2004 in Revision Application No. 56 of 2004 in staying the order passed by the Joint Registrar dated 16.4.2004 by changing audit class of the petitioner from 'C' class to 'B' class.

4. When the matter is heard today, there is a broad consensus reached between the parties, as the revision application is yet to be decided by the State Government on merits if any observation is made by this Court it is likely to affect the either party. In view of the fact that the Revision Application No. 56 of 2004 is pending before the Deputy Secretary (Appeals), Agricultural Cooperative Department, State of Gujarat, Gandhinagar, and that the order passed by the revisional authority dated 15.7.2004 is stayed by this Court by order dated 21.6.2004 which is in operation till date, the revisional authority, i.e., Deputy Secretary (Appeals), Agricultural Cooperative Department, is directed to decide and dispose of the Revision Application No. 56 of 2004 in accordance with law and on merits within the period of four weeks from the date of receipt of this order without in any way being influenced by the fact that the order dated 15.7.2004 is stayed and continued by this Court. It is directed that during the pendency and final disposal of Revision Application No. 56 of 2004 the interim relief which is granted by this Court is directed to be continued. Rule is made absolute accordingly. With this observation and direction, the present Special Civil Application is disposed of. Direct service is permitted.

rmr. [M.R. Shah, J.]